

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

COLEEN CAVINESS,

Plaintiff,

-v-

LONG ISLAND RAILROAD COMPANY,

Defendant.

22 Civ. 2897 (PAE)

ORDER

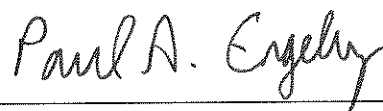
PAUL A. ENGELMAYER, District Judge:

The Court has received the parties' letters, Dkts. 20, 21, with respect to the status of discovery. Not for the first time, the Court is dismayed by the Long Island Railroad Company's ("LIRR") lack of rigorous and timely attention to its discovery obligations. The LIRR's lapses effectively obviated the October 14 deadline for party depositions, despite the Court's clear directive in the case management plan that this deadline could be moved, within the fact discovery deadline of November 14, 2022, only upon the parties' joint written consent, which plaintiff, acting within its rights, did not give. The Court shares plaintiff's dismay at the LIRR's cavalier treatment of its discovery obligations and its effective arrogation to itself of the authority to extend the deposition deadline.

The Court nonetheless has no choice, given the LIRR's lapses, to extend the discovery deadline, to assure that the plaintiff's right to fulsome discovery is met. The Court, however, will not grant the full extension that the LIRR seeks. Instead, the Court extends these deadlines by approximately one month. The deadline for party depositions is now November 14, 2022; the deadline for fact discovery is now December 14, 2022; and the deadline for expert discovery is now January 17, 2023. In light of these revised deadlines, the telephonic case management conference scheduled for December 15, 2022, at 10:30 a.m., Dkt. 15., is adjourned until January 25, 2023, at 3 p.m.

To assure that the LIRR is meeting its discovery obligations, the Court directs counsel for the LIRR, by October 27, 2022, after conferring with plaintiff's counsel, to file on the docket of this case a letter itemizing each outstanding item of fact discovery on its part; and thereafter, each Thursday until the fact discovery deadline has been reached, to file a status letter updating its progress as to outstanding fact discovery.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written in black ink.

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PAUL A. ENGELMAYER  
United States District Judge

Dated: October 20, 2022  
New York, New York